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Attorneys for Defendant  
Domino's Pizza LLC

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

EDDIE SILVA on behalf of himself  
and all others similarly situated,

Plaintiff,

v.

DOMINO'S PIZZA, a Michigan  
Corporation, and DOES 1-10,  
inclusive.

Defendants.

CASE NO. 8:18-cv-02145-JVS-JDE

**JOINT STIPULATION AND  
REQUEST FOR ENTRY OF  
JUDGMENT**

**[L.R. 40-1.1]**

Complaint Served: October 31, 2018

1 Plaintiff Eddie Silva (“Plaintiff”) and Defendant Domino’s Pizza LLC  
2 (“Defendant”) (collectively, the “Parties”), by and through their respective counsel,  
3 hereby stipulate and agree to the following:

4 WHEREAS, this action arises out of a dispute between Domino’s and  
5 Plaintiff Eddie Silva, a former employee, regarding Domino’s alleged issuance of  
6 improper wage statements and failure to properly compensate its drivers;

7 WHEREAS, on October 23, 2018, Plaintiff filed suit against Domino’s  
8 alleging, among other things, a violation of the Private Attorneys’ General Act  
9 (“PAGA”), Labor Code section 2698 *et seq.*;

10 WHEREAS, on April 29, 2019, Plaintiff filed an Amended Complaint  
11 asserting only PAGA claims (Dkt. 30);

12 WHEREAS, Domino’s moved to dismiss, or, in the alternative, strike,  
13 Plaintiff’s PAGA claim to the extent it was based on alleged violations of  
14 California meal and rest break laws. (Dkt. 34).

15 WHEREAS, by Order dated July 22, 2019, the Court deferred ruling on the  
16 motion to dismiss, stayed Plaintiff’s meal and rest break claims pending the Ninth  
17 Circuit’s ruling in *Labor Commissioner for the State of California v. Fed. Motor*  
18 *Carrier Safety Admin.*, No. 19-70329 (9th Cir. May 30, 2019) (“*FMCSA*”), and  
19 otherwise denied Domino’s motion. (Dkt. 40);

20 WHEREAS, the Parties subsequently filed Cross-Motions for Summary  
21 Judgment (Dkts. 63, 65);

22 WHEREAS, on August 1, 2020, the Court issued an Order (the “Summary  
23 Judgment Order”) denying Plaintiff’s Motion for Summary Judgment and granting  
24 in part Domino’s Motion for Summary Judgment (Dkt. 88);

25 WHEREAS, as a result of the Summary Judgment Order, the only issues left  
26 to try were the previously stayed portions of Plaintiff’s PAGA claim that were  
27 predicated on alleged meal and rest break violations;

28 WHEREAS, the Parties filed a Joint Stipulation to Vacate Trial Date, Pretrial

1 Conference Data, and All Related Dates (“Joint Stipulation to Vacate Trial Date”)  
2 on August 19, 2020 (Dkt. 89);

3 WHEREAS, on August 20, 2021, the Court granted the Parties’ Joint  
4 Stipulation to Vacate Trial Date, vacating the trial date and all related deadlines  
5 and continuing the stay of the two remaining issues pending the Ninth Circuit’s  
6 decision in the *FMSCA* matter (Dkt. 90);

7 WHEREAS, the Ninth Circuit issued its decision in the *FMCSA* case on  
8 January 15, 2021, upholding the Federal Motor Carrier Safety Administration’s  
9 decision that California meal and rest break regulations are preempted by federal  
10 law;

11 WHEREAS, the Parties met and conferred following the issuance of the  
12 Ninth Circuit’s decision in *FMSCA* and agreed that, as a result of that decision,  
13 there were no issues left to try;

14 NOW, THEREFORE, the Parties, by stipulation, respectfully request that  
15 the Court enter the Proposed Judgment submitted concurrently herewith, in  
16 accordance with the Federal Rule of Civil Procedure 58(a).

17  
18 Dated: January 27, 2021

DLA PIPER US LLP

19  
20 By: /s/ Nancy Sims

Nancy Sims

21 Attorneys Domino’s Pizza LLC

22  
23 Dated: January 27, 2021

DESAI LAW FIRM, P.C.

24  
25 By /s/ Aashish Y. Desai

Aashish Y. Desai

26 Adrianne De Castro

27 Attorneys for Eddie Silva  
28

**SIGNATURE CERTIFICATION**

Pursuant to L.R. 5-4.3.4(a)(2)(i), the undersigned certifies that all other signatories listed, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.

Dated: January 27, 2021

By: /s/ Nancy Sims  
Nancy Sims